

1 R. JULY SIMPSON, WSBA #45869
WILLIAM MCGINTY, WSBA #41868
2 ANDREW HUGHES, WSBA #49515
BRIAN HUNT ROWE, WSBA #56817
3 Assistant Attorneys General
JEFFREY T. EVEN, WSBA #20367
4 Deputy Solicitor General
KRISTIN BENESKI, WSBA #45478
5 First Assistant Attorney General
Washington State Office of the Attorney General
6 7141 Cleanwater Dr. SW
PO Box 40111
7 Olympia, WA 98504-0111
(360) 709-6470

8
9 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
10 **AT YAKIMA**

11 MICHAEL SCOTT BRUMBACK,
an individual, et al.,

12 Plaintiffs,

13 v.

14 ROBERT W. FERGUSON, in his
official capacity as Washington
15 State Attorney General, et al.,

16 Defendants,

17 ALLIANCE FOR GUN
RESPONSIBILITY,

18 Intervenor-Defendant.
19

NO. 1:22-cv-03093-MKD

MOTION TO EXPEDITE
STATE DEFENDANTS'
AND INTERVENOR-
DEFENDANT'S MOTION
TO STRIKE PLAINTIFFS'
NOTICE OF
SUPPLEMENTAL
AUTHORITIES

December 29, 2022
Without Oral Argument

20 State Defendants respectfully request that this Court expedite their motion
21 to strike Plaintiffs' notice of supplemental authority and decide the motion on
22 Thursday, December 29, 2022, or, in the alternative at the same as the ruling on

1 Plaintiffs' motion for preliminary injunction is issued—whichever is earlier.

2 On December 20, 2022, Plaintiffs filed a notice of supplemental authority
 3 in support of their motion for preliminary injunction. ECF No. 41. As discussed
 4 in the motion to strike, the notice consists primarily of evidence and opinion
 5 testimony, submitted weeks after the motion was fully briefed and argued, which
 6 State Defendants have had no meaningful opportunity to respond to. State
 7 Defendants and Defendant-Intervenor moved to strike the material on December
 8 22, 2022.

9 This Court indicated at the hearing on Plaintiffs' motion for a preliminary
 10 injunction that it would endeavor to issue an opinion in 30 days, or by Friday,
 11 December 23, 2022. The State Defendants therefore respectfully request that the
 12 Court expedite its decision on the motion to strike, so that this matter can be dealt
 13 with prior to or in conjunction with Plaintiffs' motion for preliminary injunction.

14 Plaintiffs oppose this motion to expedite. Intervenor-Defendant does not
 15 oppose this motion to expedite.

16 DATED this 22nd day of December 2022.

17
 18 ROBERT W. FERGUSON
 Attorney General

19
 20 s/ William McGinty
 WILLIAM MCGINTY, WSBA #41868
 21 R. JULY SIMPSON, WSBA #45869
 ANDREW HUGHES, WSBA #49515
 22 BRIAN HUNT ROWE, WSBA #56817

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Assistant Attorneys General
JEFFREY T. EVEN, WSBA #20367
Deputy Solicitor General
KRISTIN BENESKI, WSBA #45478
First Assistant Attorney General
William.McGinty@atg.wa.gov
July.Simpson@atg.wa.gov
Andrew.Hughes@atg.wa.gov
Brian.Rowe@atg.wa.gov
Jeffrey.Even@atg.wa.gov
Kristin.Beneski@atg.wa.gov
Attorneys for Defendants
Robert W. Ferguson and John R. Batiste

PROOF OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 22nd day of December 2022 at Olympia, Washington.

s/ William McGinty

WILLIAM MCGINTY, WSBA #41868
Assistant Attorney General